

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 09/754,347	<b>Applicant(s)</b> GELBER ET AL.	
	<b>Examiner</b> Jean C. Witz	<b>Art Unit</b> 1651	

**All Participants:**

(1) Jean C. Witz.

(2) Thomas Powers.
**Status of Application:** RCE

(3) \_\_\_\_\_.

(4) \_\_\_\_\_.

**Date of Interview:** 1 March 2004
**Time:** \_\_\_\_\_

**Type of Interview:**


- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

**Exhibit Shown or Demonstrated:** ☐ Yes ☒ No

If Yes, provide a brief description:

**Part I.**
**Rejection(s) discussed:**
*The potential rejections of the generic claims and of at least one of the species per the Examiner's Reason for Allowance.*
**Claims discussed:**
*All claims of record*
**Prior art documents discussed:**
*Prior art already of record as well as the reference made of record in this office action to Mittman.*
**Part II.**
**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**
*See Continuation Sheet*
**Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant's representative, when presented with the election of species set forth in the Examiner's Amendment, elected the species of Goldenseal. After search of the invention with the species Goldenseal, the species Astragalus, and the species zinc, Applicant's representative was informed that claims to treating at least one ailment or symptom caused by an immune response consisting of an antihistimine alone or in combination with a decongestant, a first nutraceutical consisting of stinging nettle or an extract thereof, and a second nutraceutical consisting of either Goldenseal or Astragalus or mixtures thereof would be allowable, but that the combination of an antihistimine, alone or in combination with a decongestant, stinging nettle or extract thereof, and zinc would have been obvious in view of the prior art of record. Applicant's representative then authorized the amendments to the claims per the Examiner's Amendment to recite the species of Goldenseal and the species of Astragalus and the cancellation of the remaining species without prejudice. .